

REMARKS

Favorable consideration of this application in its continued examination, based on this amendment and these following remarks, is respectfully requested.

Claims 1 through 24 remain in this case. Claims 2 through 17, 23, and 24 were not examined as directed to a non-elected species; however, claim 1 remains generic to all claims in this case. Claim 1 is amended.

Applicant and the undersigned appreciate the time and courtesy extended by the Examiner in the telephone interview of May 31.

Claims 1 and 18 through 22 were finally rejected under §102 as anticipated by the Edelman reference¹. Claim 1 is amended to clarify its novelty and patentability over the Edelman reference, and for further clarity.

Amended claim 1 now requires the additional step of operating a server to forward, over the computer network, a draft trust instrument to the grantor. This operating step is recited, in amended claim 1, as following the receipt of identification information regarding the grantor, a beneficiary of the trust, and an initial funding amount. The step of receiving an electronic confirmation from the grantor to establish the trust is also now recited as following the added operating step; this step is also amended to cancel the reference to the conveyed funds, to reflect that no temporal relationship between this step and the step of receiving authorization to electronically convey funds is intended.

The specification clearly supports the amendment to claim 1, in connection with the newly added operating step.² As such, no new matter is presented by this amendment. In addition, Applicant submits that amended claim 1 remains generic to all species presented in the dependent claims.

¹ U.S. Patent No. 6,064,986, issued May 16, 2000, to Edelman.

² Specification of S.N. 09/910,964, paragraphs [0075] and [0076].

Applicant submits that amended claim 1 is novel and patentably distinct over the Edelman reference. As previously argued, the method of claim 1 creates a trust where none existed before. The operating of a server to forward a draft trust instrument over the network to the grantor further emphasizes the novelty of the claimed method, in that the trust instrument is created and prepared in an automated manner, based on the identification parameters forwarded by the grantor,³ without the effort and substantial expense of having an attorney prepare the trust instrument. This method is advantageous over conventional approaches, such as described in the Edelman reference, in which the trust must be created off-line, for example involving the hiring and payment of attorneys.⁴

In contrast, the Edelman reference expressly requires that an attorney be hired by the grantor to create the trust off-line. Specifically, the Edelman reference describes how the customer of its system is provided with a list of attorneys that have joined an attorney referral network, and who the customer can hire to prepare the trust agreement, even teaching that the system can provide a coupon to pay for all or part of the attorney's fees for preparing the instrument.⁵ Nowhere does the Edelman reference teach the receiving steps of claim 1 of this application, especially the receiving of an electronic confirmation from the grantor over the computer network to establish the trust with the conveyed funds. Nor does the Edelman reference disclose or suggest the operating of a server to forward, over the network, a draft trust instrument to the grantor; rather, the grantor is required to meet and hire an attorney to prepare the trust instrument, according to the teachings of Edelman.

Nor is there any suggestion from the prior art to modify the teachings of the Edelman reference in such a manner as to reach amended claim 1 and its dependent claims. This absence of suggestion to modify is especially apparent given the detailed discussion in the Edelman reference itself⁶ of how to *not* create the trust on-line as results from the method of claim 1, by instead hiring an attorney from its referral network to prepare the trust instrument. This additional overhead time, effort, and cost involved in preparing the trust according to the

³ Specification, *supra*, paragraphs [0075], [0076].

⁴ Specification, *supra*, paragraphs [0014], [0021], [0078], [0133], [0134].

⁵ Edelman, *supra*, column 22, lines 7 through 51; column 22, line 60 through column 23, line 12.

⁶ *Id.*

Edelman reference is prohibitive for small trusts. In contrast, the method claimed in this application enables the creation and management of such small trusts without incurring that expense and effort. Accordingly, the important advantages provided by the method claimed in this application stem directly from the differences between the claims and the reference, and further support the patentability of the claims in this case.

Applicant therefore submits that, upon entry of this amendment, claim 1 will be in condition for allowance. Because amended claim 1 is generic to the multiple species identified by the Examiner, Applicant further submits that all dependent claims 2 through 24 are now also in condition for allowance.

Favorable consideration of this application, in connection with its continued examination, is therefore respectfully requested.

Respectfully submitted,
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